

REMARKS

Claims 1-5 and 7 are now pending in the application. Claim 6 has been cancelled without prejudice. By this paper, Applicant has amended claims 4, 5 and 7. Support for the amendments can be found throughout the specification, drawings and claims as originally filed. No new matter has been added by this paper. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

ELECTION/RESTRICTION REQUIREMENT

Applicant hereby affirms the provisional election made on March 22, 2009 to prosecute claims 1-5 and 7.

REJECTION UNDER 35 U.S.C. § 112

Claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that a second retainer ring is not described in the specification. This rejection is respectfully traversed.

Applicant respectfully submits that the specification and drawings as filed describe and illustrate first and second retainer rings. For example, the Examiner is respectfully referred to page 3 of the specification where a first retainer ring 22 is introduced in line 21, and a second retainer ring 24 is introduced in lines 21 and 22. The first and second retainer rings 22, 24 are further described, for example, at page 3, lines 23-25 and page 4, lines 13-22, as well as in Figures 1-4.

As such, Applicant respectfully submits that the application as filed teaches both first and second retainer rings in compliance with the written description requirement of 35 U.S.C. § 112, first paragraph. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection.

Claims 4-5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that it is unclear if claim 4 is referring to a same or different retainer as claim 1. Regarding claim 5, the office action states that “said retainer portion” is unclear in view of the claim limitation “retainer” and “a second retainer ring” is not described in the specification. These rejections are respectfully traversed.

Applicant initially notes that claim 4 has been amended and recites in part “...wherein said retainer first axially extending portion includes a first retainer ring engaging said sleeve...”. Claim 5 has also been amended and recites in part “...wherein said retainer second portion includes a second retainer ring engaging the seal body.”

Applicant submits that amended dependent claim 4 references the retainer first axially extending portion of claim 1, and amended claim 5 references the retainer second portion of claim 1 thus clearly setting forth which respective retainer portions of claim 1 that correspond to the first and second retainer rings, respectively. Further, Applicant submits that the first and second retainer rings are described and illustrated in the application as filed and hereby incorporate the remarks from above with respect to the rejection under 35 U.S.C. § 112, first paragraph.

Accordingly, Applicant submits that amended claims 4 and 5 are in compliance with 35 U.S.C. § 112, second paragraph, and therefore respectfully requests reconsideration and withdrawal of the rejection.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Angelo et al. (U.S. Pat. No. 6,170,992, hereinafter “Angelo”).

Claim 7 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Romero et al. (U.S. Pat. No. 5,186,472, hereinafter “Romero”).

These rejections are respectfully traversed.

At the outset, Applicant notes that claim 1 recites in part “...a retainer having a first axially extending portion slidably mounted to the second axially extending ring portion of said sleeve in a radial interference fit...”. Applicant respectfully submits that Angelo fails to disclose such a retainer as claimed in claim 1.

Angelo discloses a rotating seal unit having a first insert 19 with a radially extending portion 22 and an axially extending portion with a peripheral extension 27. The axially extending portion and the peripheral extension 27 together form part of an axially extending groove 24. A non-rotating seal unit has a second insert 15 with a sealing covering 16 that includes a circumferential relief 23 extending radially inward towards axially extending groove 24. Relief 23 is constrained in an axial direction by peripheral extension 27 and a radial surface 26 when the two units are coupled together before being assembled between faces of a roller bearing. Angelo is otherwise silent as to any axially extending portion of insert 15 (or even radial relief 23) being mounted or

engaged to any member of the rotating unit in a radial interference fit prior to assembly to the bearing.

Accordingly, Applicant respectfully submits that Angelo fails to disclose or suggest a retainer having a first axially extending portion slidably mounted to the second axially extending ring portion of said sleeve in a radial interference fit. Rather, Angelo discloses a seal covering 16 having a radially extending relief 23. Even if radially extending relief 23 could be construed as part of the axially extending insert 15, which Applicant does not concede (noting that they are described as two distinct elements), Applicant submits that radial relief 23 is not disclosed as being in any radial interference fit with an axially extending portion of insert 19. Moreover, even if radial relief 23 does contact peripheral extension 27 during assembly, which Applicant does not concede and also notes is not disclosed in Angelo, such contact is not the same as a radial interference fit. Stated another way, contacting in a radial direction is not the same as being slidably mounted in a radial interference fit as required by claim 1.

Based on the foregoing, Applicant respectfully submits that independent claim 1 is patentably distinguishable over Angelo and is therefore in condition for allowance. Regarding claims 2-5, these claims depend directly or indirectly from independent claim 1 and are believed to be in condition for allowance for at least the reasons set forth above. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection.

With regard to claim 7, Applicant notes that claim 7 recites in part "...a seal supported by a retainer, the retainer including a first axially extending portion which is mounted to an axially extending surface of the sleeve in a radial interference fit...".

Applicant respectfully submits that Romero fails to disclose such a retainer as claimed in claim 7.

Romero discloses a shaft seal 10 having a first casing 12 and a second casing 14. First casing 12 has a flange portion 28 ending in a tip 52. An elastomeric seal body 40 is bonded or molded to a flange portion 36 of second casing 14. Seal body 40 includes an elastomeric bumper portion 50 that engages tip 52 of casing 12 and prevents flange 28 from making metal-metal contact with flange portion 36 of second casing 14. During operation, tip 52 slices a groove and embeds itself into bumper portion 50. See Romero at column 4, lines 62-65.

Accordingly, Applicant respectfully submits that Romero fails to disclose a seal supported by a retainer, with the retainer including a first axially extending portion which is mounted to an axially extending surface of the sleeve in a radial interference fit. Rather, Romero discloses a radially extending portion 36 and a seal 40, not a retainer, that is mounted to flange 36 and has a bumper portion 50 extending in an axial direction. Further, Romero discloses that bumper portion 50 (and not casing 14) engages tip 52. Applicant submits that elastomeric seal 40 is disclosed as a separate and distinct element from metallic casing 14, and seal 40 can not properly be characterized as casing 14. Moreover, seal portion 50 engages tip 52 in an axial direction creating axial compression, not a radial interference fit as required by claim 7. See Romero at column 4, lines 53-57.

In light of the foregoing, Applicant respectfully submits that independent claim 7 is patentably distinguishable over Romero and is believed to be in condition for

allowance. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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